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| 8791 7590 06/05/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030 | | | EXAMINER AILES, BENJAMIN A | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/932,038

Applicant(s)

EDWARDS ET AL.

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14, 16-21, 23, 24, 26-37 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14, 16-21, 23, 24, 26-37 and 41-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 February 2007 has been entered.
2. Claims 1-10, 12-14, 16-21, 23, 24, 26-37 and 41-46 remain pending.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 12 is objected to because of the following informalities: In line 1, "...first device selected..." should be amended to read, "...first device is selected...".
Appropriate correction is required.
5. Claim 12 is objected to because of the following informalities: In line 1, "...from the group..." should be amended to read, "...from a group...". Appropriate correction is required.
6. Claim 12 is objected to because of the following informalities: In line 2, "...a and an..." should be amended to read, "...and an...". Appropriate correction is required.

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7. Claim 14 is objected to because of the following informalities: In line 2 "...from the group..." should be amended to read, "...from a group...". Appropriate correction is required.

8. Claim 23 is objected to because of the following informalities: In line 2 "...from the group..." should be amended to read, "...from a group...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 6-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 6 recites the limitation "the first format" in line 1. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 6 recites the limitation "the second format" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 7 is rejected based on dependency on claim 6.

14. Claim 8 recites the limitation "the first format" in line 1. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 8 recites the limitation "the second format" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 1-10, 12-14, 16-21, 23, 24, 26-37 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scibora (US 7,194,555 B2) in view of Bobo, II (US 2001/0014910 A1), hereinafter referred to as Bobo.

19. Regarding claim 1, Scibora teaches a computerized method, comprising: receiving one or more files at a storage location from a first device, across a first network of a first type, the received files provided to the first device by a user controlling the first device (fig. 1b and col. 4, ll. 40-54, media is sent to a website for storage). Scibora does not explicitly teach the providing a file transfer notification to a second device, across a second network of a second type different from the first type, when the

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one or more files are received at the storage location. However, in related art, Bobo teaches on this aspect wherein Bobo teaches the transfer of files within a network wherein a user can be notified upon successful completion of a data transfer (Bobo, p. 4 para. 0066 and p. 10, para. 0163). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to implement a message notification service similar to the one taught by Bobo in combination with the remote storage method as taught by Scibora. One of ordinary skill in the art would have been motivated to combine Scibora and Bobo to further enhance and make known the availability of files through simple message notification procedures (Bobo, p. 3, para. 0021 and p. 10, para. 0163).

20. Regarding claim 2, Scibora and Bobo teach the method further comprising generating a media transfer request at the storage location (Scibora, col. 4, ll. 40-54).

21. Regarding claim 3, Scibora and Bobo teach the method further comprising providing a media transfer notification to the second device, across the second network, when the media transfer request is completed (Bobo, p. 4 para. 0066 and p. 10, para. 0163).

22. Regarding claim 4, Scibora and Bobo teach the method wherein the first device is the same as the second device (Scibora, col. 4, ll. 54-57).

23. Regarding claim 5, Scibora and Bobo teach the method further comprising a server receiving input from the first device to select one or more files in archive (Scibora, col. 4, ll. 40-54).

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24. Regarding claim 6, official notice is taken in view of Scibora and Bobo that the use of the tiff format and the JPEG format and the transformation from tiff to JPEG was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to include transformation between tiff and JPEG because these file formats are commonly used in the art.

25. Regarding claim 7, Scibora and Bobo teach the method wherein the server provides media transfer notification to the first device (Bobo, p. 4 para. 0066 and p. 10, para. 0163).

26. Regarding claim 8, official notice is taken in view of Scibora and Bobo that the use of the MP3 format and the DVD format and the transformation from MP3 to DVD was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to include transformation between MP3 and DVD because these file formats are commonly used in the art.

27. Regarding claim 9, Scibora and Bobo teach the method further comprising tracking a mailing status of the media transferred files (Bobo, p. 10, para. 0163).

28. Regarding claim 10, Scibora and Bobo teach the method wherein the first device is Internet enabled and the second device is non-Internet enabled (Bobo, para. 0067).

29. Regarding claim 12, Scibora and Bobo teach the method wherein the first device selected from the group consisting of an ATM, a photo kiosk, a personal computer, a and an Internet-enabled PDA (Scibora, col. 2, ll. 59-65).

30. Regarding claim 13, Scibora and Bobo teach the method wherein the second device is telephony enabled (Scibora, col. 2, ll. 59-65).

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31. Regarding claim 14, Scibora and Bobo teach the method wherein the second device is selected from the group consisting of pager, telephone, fax, answering machine and telephony-enabled PDA differing from the first device being a computer (Scibora, col. 2, ll. 59-65).

32. Regarding claim 16, official notice is taken in view of Scibora and Bobo that the use of graphic files was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to include transformation of graphic files because these file formats are commonly used in the art.

33. Regarding claim 17, Scibora and Bobo teach the method wherein the received files are audio files (Scibora, col. 2, ll. 59-63).

34. Regarding claim 18, Scibora and Bobo teach the method wherein the second network is the PSTN (Scibora, col. 1, ll. 10-33).

35. Regarding claim 19, Scibora and Bobo teach the method wherein one of the first network is selected from the group consisting of the Internet, WAN, and LAN (Scibora, col. 1, ll. 10-33).

36. Regarding claim 20, Scibora and Bobo teach the method wherein VPN is implemented on the first network (Scibora, col. 1, ll. 10-33).

37. Regarding claim 21, Scibora teaches a computerized system, comprising: receiving one or more files at a storage location from a first device, across a first network of a first type, the received files provided to the first device by a user controlling the first device (fig. 1b and col. 4, ll. 40-54, media is sent to a website for storage).

Scibora does not explicitly teach the providing a file transfer notification to a second

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device, across a second network of a second type different from the first type, when the one or more files are received at the storage location. However, in related art, Bobo teaches on this aspect wherein Bobo teaches the transfer of files within a network wherein a user can be notified upon successful completion of a data transfer (Bobo, p. 4 para. 0066 and p. 10, para. 0163). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to implement a message notification service similar to the one taught by Bobo in combination with the remote storage method as taught by Scibora. One of ordinary skill in the art would have been motivated to combine Scibora and Bobo to further enhance and make known the availability of files through simple message notification procedures (Bobo, p. 3, para. 0021 and p. 10, para. 0163).

38. Regarding claim 23, Scibora and Bobo teach the system wherein the second device is selected from the group consisting of a pager, a telephone, a fax, an answering machine and a telephony-enabled PDA differing from the first device being a computer (Scibora, col. 2, ll. 59-65).

39. Regarding claim 24, Scibora and Bobo teach the system wherein the first device is Internet enabled and the second device is non-Internet-enabled (Bobo, para. 0067).

40. Regarding claim 26, Scibora and Bobo teach the system wherein the second network is PSTN (Scibora, col. 1, ll. 10-33).

41. Regarding claim 27, Scibora and Bobo teach the system wherein the first network is a LAN (Scibora, col. 1, ll. 10-33).

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42. Regarding claim 28, Scibora and Bobo teach the system wherein the first network is a WAN (Scibora, col. 1, ll. 10-33).

43. Regarding claim 29, Scibora and Bobo teach the system wherein the second device is telephony-enabled (Scibora, col. 2, ll. 59-65).

44. Regarding claim 30, Scibora and Bobo teach the system where the second device is the same as the first device (Scibora, col. 4, ll. 54-57).

45. Regarding claim 31, Scibora teaches an apparatus comprising: receiving one or more files at a storage location from a first device, across a first network of a first type, the received files provided to the first device by a user controlling the first device (fig. 1b and col. 4, ll. 40-54, media is sent to a website for storage). Scibora does not explicitly teach the providing a file transfer notification to a second device, across a second network of a second type different from the first type, when the one or more files are received at the storage location. However, in related art, Bobo teaches on this aspect wherein Bobo teaches the transfer of files within a network wherein a user can be notified upon successful completion of a data transfer (Bobo, p. 4 para. 0066 and p. 10, para. 0163). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to implement a message notification service similar to the one taught by Bobo in combination with the remote storage method as taught by Scibora. One of ordinary skill in the art would have been motivated to combine Scibora and Bobo to further enhance and make known the availability of files through simple message notification procedures (Bobo, p. 3, para. 0021 and p. 10, para. 0163).

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46. Regarding claim 32, Scibora and Bobo teach the apparatus further comprising: means for transferring files (Scibora, fig. 4); and means for storing files (Scibora, fig. 4).

47. Regarding claim 33, Scibora and Bobo teach the apparatus further comprising: means for obtaining the files in a transferred media (Scibora, col. 4, ll. 53-63).

48. Regarding claim 34, Scibora and Bobo teach the apparatus further comprising: means for tracking a mailing status of the transferred media (Bobo, p. 10, para. 0163).

49. Regarding claim 35, Scibora teaches a machine-readable medium having executable instructions for performing a method, the method comprising: receiving one or more files at a storage location from a first device, across a first network of a first type, the received files provided to the first device by a user controlling the first device (fig. 1b and col. 4, ll. 40-54, media is sent to a website for storage). Scibora does not explicitly teach the providing a file transfer notification to a second device, across a second network of a second type different from the first type, when the one or more files are received at the storage location. However, in related art, Bobo teaches on this aspect wherein Bobo teaches the transfer of files within a network wherein a user can be notified upon successful completion of a data transfer (Bobo, p. 4 para. 0066 and p. 10, para. 0163). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to implement a message notification service similar to the one taught by Bobo in combination with the remote storage method as taught by Scibora. One of ordinary skill in the art would have been motivated to combine Scibora and Bobo to further enhance and make known the availability of files through simple message notification procedures (Bobo, p. 3, para. 0021 and p. 10, para. 0163).

50. Regarding claim 36, Scibora and Bobo teach the method further comprising: transferring the one or more files to a different media (Scibora, col. 4, ll. 40-44).

51. Regarding claim 37, Scibora and Bobo teach the method further comprising: wherein the file transfer notification confirms a successful file transfer into an archive (Bobo, p. 10, para. 0163).

52. Regarding claim 41, Scibora teaches a system, comprising: receiving one or more files at a storage location from a first device, across a first network of a first type, the received files provided to the first device by a user controlling the first device (fig. 1b and col. 4, ll. 40-54, media is sent to a website for storage). Scibora does not explicitly teach the providing a file transfer notification to a second device, across a second network of a second type different from the first type, when the one or more files are received at the storage location. However, in related art, Bobo teaches on this aspect wherein Bobo teaches the transfer of files within a network wherein a user can be notified upon successful completion of a data transfer (Bobo, p. 4 para. 0066 and p. 10, para. 0163). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to implement a message notification service similar to the one taught by Bobo in combination with the remote storage method as taught by Scibora. One of ordinary skill in the art would have been motivated to combine Scibora and Bobo to further enhance and make known the availability of files through simple message notification procedures (Bobo, p. 3, para. 0021 and p. 10, para. 0163).

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53. Regarding claim 42, Scibora and Bobo teach the system wherein the file transfer notification of an event selected from the group consisting of successful file transfer, partially successful file transfer, and unsuccessful file transfer (Bobo, p. 10, para. 0163).

54. Regarding claim 43, Scibora and Bobo teach the system further comprising: one or more files converted to a different media and the different media delivered to an address (Scibora, col. 4, ll. 53-63).

55. Regarding claim 44, Scibora and Bobo teach the system wherein a media transfer notification is sent to the second device to provide tracking information on a shipment of the files transferred to the different media (Bobo, p. 10, para. 0163).

56. Regarding claim 45, Scibora and Bobo teach the system wherein the first device is a computer and the second device is a cellular telephone (Scibora, col. 2, ll. 59-65).

57. Regarding claim 46, Scibora and Bobo teach the system wherein the second device is selected from the group consisting of pager, telephone, fax, answering machine and telephony-enabled PDA different from the first device being a computer (Scibora, col. 2, ll. 59-65).

Conclusion

58. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukuda et al. (US 4,125,892) teaches a system and method for monitoring operation of a data processing system.

Porcaro et al. (US 5,699,511) teaches a system and method for dynamically varying low level file system operation timeout parameters in network systems of variable bandwidth.

Soejima et al. (US 5,713,027) teaches a method and apparatus for controlling the shutdown of computer systems by using service utilization information and examining a dependency relationship between the computers.

Yamaguchi (US 5,802,303) teaches a monitor data collecting method for parallel computing system.

Raab et al. (US 6,047,321) teaches a method and apparatus for monitoring a dedicated communications medium in a switched data network.

Jong et al. (US 6,192,403 B1) teaches a method and apparatus for adaptive monitor and support system.

Welch, Jr. et al. (US 6,240,452 B1) teaches a method and apparatus for monitoring file transfers and logical connections in a computer database featuring a file transfer record database.

Porras et al. (US 6,321,338 B1) teaches network surveillance and the building of a statistical profile.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

Beatriz Prieto
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